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**FROM:** Edward A. Kmetz (Reg. No. 42,746)

**RE:** U.S. Application No. 09/544,265  
Attn: Examiner W. Zhen  
Group Art Unit 2122

**FAX NO.:** (703) 872-9306

**DATE:** February 3, 2005

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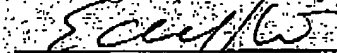
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(Name of Attorney for Applicant)



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February 3, 2005

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: )  
: Examiner: W. Zhen  
HARUO MACHIDA )  
: Group Art Unit: 2122  
Application No.: 09/544,265 )  
: Filed: April 6, 2000 )  
: For: INFORMATION PROCESSING )  
: APPARATUS, INFORMATION )  
: PROCESSING SYSTEM, )  
: CONTROL METHOD OF )  
: INFORMATION PROCESSING )  
: APPARATUS, CONTROL METHOD: )  
: OF INFORMATION PROCESSING )  
: SYSTEM, AND STORAGE )  
: MEDIUM HAVING PROGRAMS )  
: CAPABLE OF BEING READ )  
: AND STORED BY COMPUTER ) February 3, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LETTER

Sir:

This letter is to confirm an agreement between Applicant's undersigned representative and the Examiner that this case meets the exception under MPEP 706.07(f) II (I) regarding the filing of a Petition for Extension of Time and extension fee for the Examiner to enter an Examiner's Amendment after a final rejection.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 3, 2005  
(Date of Transmission)

Edward A. Kmetz (Reg. No.: 42,746)  
(Name of Attorney for Applicant)

  
Signature

February 3, 2005  
Date of Signature

In this regard, the Examiner telephoned Applicant's undersigned representative to request authorization to enter an Examiner's Amendment to correct typographical errors noted by the Examiner relating to dependency in various claims in the Amendment After Final Rejection dated December 2, 2004. Applicant's undersigned representative agreed to the Examiner's Amendment.

On February 3, 2005, Applicant's undersigned representative contacted the Examiner to determine whether a Petition For Extension Of Time and an extension fee were needed in accordance with MPEP 706.07(f) II. The Examiner and Applicant's undersigned attorney agreed that, since the typographical errors in the December 2, 2004 Amendment that were corrected by the Examiner's Amendment were also present in an Amendment dated April 21, 2004, and those typographical errors were not addressed in the August 3, 2004 final Office Action and were only raised for the first time after Applicant filed the December 2, 2004 Amendment, no Petition For Extension Of Time under 37 C.F.R. § 1.136(a) or extension fee are required for entry of the Examiner's Amendment.

It is also noted that, inasmuch as the 6-month statutory period for responding to the August 3, 2004 final Office Action expires on even date herewith, it is believed that no further action (e.g., filing a Notice of Appeal) on Applicant's part is required in order to maintain pendency of the application. In this regard, the Patent Office's PAIR system indicates that on February 2, 2005, a Notice of Allowability was entered and counted in this application, although it appears that the Patent Office has not yet mailed the Notice. Accordingly, since the Examiner has apparently withdrawn the finality of the August 3, 2004 Office Action, it is believed that the period for Applicant to respond has properly been terminated and no further action is required by Applicant to respond to the foregoing Office Action.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant  
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